

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRIAN T. COLLUM,	)	CASE NO. 8:10CV452
	)	
Plaintiff,	)	
	)	
v.	)	MEMORANDUM
	)	AND ORDER
PAYPAL, INC, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis on Appeal. (Filing No. [25](#).) In the Affidavit supporting Plaintiff's Motion, he states that his total monthly income is \$2,133.00 and that his total monthly expenses are \$2,270.00. (*Id.* at CM/ECF pp. 2-4.) However, Plaintiff also states that he owns a 2008 Hummer H3 automobile valued at \$24,000.00. (*Id.* at CM/ECF p. 5.) The court also notes that Plaintiff did not proceed in forma pauperis in the district court and instead paid the \$350.00 filing fee. (Filing No. [1](#).)

In accordance with [28 U.S.C. § 1915\(a\)\(1\)](#), and upon review of Plaintiff's Motion and Affidavit, the court finds that Plaintiff has sufficient funds and assets to pay the appellate filing fee.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed In Forma Pauperis on Appeal (Filing No. [25](#)) is denied. Plaintiff shall immediately pay the \$455.00 appellate filing fee; and

2. The Clerk of the court is directed to send a copy of this Memorandum and Order to the Eighth Circuit.

DATED this 12<sup>th</sup> day of October, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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